

Message Text

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ACTION NEA-10

INFO OCT-01 ISO-00 SS-15 ONY-00 NEAE-00 /026 W
-----044386 221755Z /40

P 221615Z JUN 77
FM AMEMBASSY CAIRO
TO SECSTATE WASHDC PRIORITY 6484

C O N F I D E N T I A L SECTION 1 OF 3 CAIRO 10463

E.O. 11652: GDS
TAGS: SHUM EG
SUBJECT: HUMAN RIGHTS EVALUATION PLAN--EGYPT

REF: (A) STATE 133681 (B) STATE 138761 (C) STATE 134334

1. FOLLOWING IS EMBASSY'S SUGGESTED REVISION OF HUMAN RIGHTS
EVALUATION CONTAINED REF (C):

A. CONDITIO OF HUMAN RIGHTS IN EGYPT

1) RESPECT FOR THE INTEGRITY FOR THE PERSON. PRESIDENT SADAT
CONTINUES TO ADVOCATE A "STATE OF INSTITUTIONS" IN WHICH HE
ENVISIONS EACH INDIVIDUAL "NOT MERELY AS A COG IN THE WHEEL",
BUT AS A FULL MEMBER OF SOCIETY PROTECTED BY THE RULE OF LAW.
THE 1972 "FREEDOM LAW" AND THE 1971 CONSTITUTION WERE THE FIRST
EFFECTIVE STEPS TAKEN TO PROMOTE THIS AIM. IN CONTRAST TO THE
LATER YEARS OF THE NASSER REGIME, WHICH COULD REASONABLY BE
CHARACTERIZED AS A POLICE STATE, THE NEW STRUCTURE OF CONSTITUTIONAL
AND STATUTE LAW IS RESPECTED BY THE SECURITY AUTHORITIES, WHO
SINCE 1972 ARE SUBJECT TO CRIMINAL CHARGES IF THEY INFRINGE
UPON GUARANTEED LIBERTIES AS, FOR EXAMPLE, HOME SEARCH AND
SEIZURE, OR TELEPHONE TAPPING IN ABSENCE OF COURT ORDER. AS
A RESULT, ARBITRARY ARREST, IMPRISONMENT WITHOUT TRIAL, AND
TORTURE, ALL COMMON UNDER NASSER, HAVE CEASED. MANY OF THOSE
WHO HAVE SUFFERED FROM SUCH ABUSES HAVE TAKEN THEIR CASES TO COURTS
FOR REDRESS AND SOME OF THOSE RESPONSIBLE HAVE BEEN TRIED (SOME IN
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ABSENTIA) AND SENTENCED TO PRISON TERMS. WHATEVER THE NATURE OF THE
OFFENSE TODAY, ARRESTEES ARE EXPECTED TO ENJOY DUE PROCESS AND
EQUAL TREATMENT IN PUBLIC TRIALS (WITH POSSIBLE EXCEPTION OF
ESPIONAGE OR MILITARY SECURITY TRIALS, WHICH MABE BE IN CAMERA).
THE OPEN TRIAL IN 1974 OF 93 DEFENDANTS, ALL ARRESTED IN ACT
BREAKING INTO MINWAR FACILITY AS FIRST PHASE OF COUP ATTEMPT,
IS A CASE IN POINT. WHILE ABUSES OF POLICE POWER NO DOUBT

CONTINUE TO EXIST, PARTICULARLY FOR CRIMINAL ELEMENTS AND THE POOR, THEY ARE IN CONTRAVENTION OF STATE POLICY.

AFTER THE JANUARY 1977 RIOTS MORE THAN 1,000 INDIVIDUALS WERE DETAINED ON CHARGES OF PARTICIPATING IN OR INCITING THE DEMONSTRATIONS. THE MAJORITY (MANY WERE JUVENILES) WERE RELEASED IMMEDIATELY. THE REMAINDER ARE NOW UNDERGOING PUBLIC TRIAL AND MOST OF THOSE WHOSE TRIALS ARE COMPLETED HAVE BEEN ACQUITTED AND RELEASED.

THE AMERICAN DIPLOMATIC MISSION IN EGYPT HAS BEEN APPROACHED IN THE LAST SEVERAL MONTHS BY A NUMBER OF EASTERN EUROPEANS SEEKING POLITICAL ASYLUM. ALL SUCH INDIVIDUALS HAVE BEEN DIRECTED TO THE UNHCR OFFICE IN CAIRO, WHICH HAS PROCESSED THEIR CASES EXPEDITIOUSLY AND, WITH THE AGREEMENT OF THE EGYPTIAN GOVERNMENT, HAS DESPATCHED ALL SUCH APPLICANTS TO THE UNHCR PROCESSING CENTER IN GREECE.

2) RESPECT FOR CIVIL AND POLITICAL LIBERTIES. THE ONLY FAIR WAY TO ANALYZE THE STATE OF POLITICAL LIBERTIES IN EGYPT IS TO COMPARE THE RELATIVE FREEDOMS OF SADAT'S EGYPT WITH THE REPRESSION OF THE NASSER ERA WHICH ENDED ONLY SEVEN YEARS AGO. UNDER THE PERSONAL DIRECTION OF SADAT, THE POLICE STATE ATMOSPHERE HAS VIRTUALLY DISSIPATED. PRESIDENT SADAT IS PUBLICLY COMMITTED TO LIBERALIZING THE POLITICAL PROCESS AS QUICKLY AS HE JUDGES FEASIBLE. MOST RECENTLY, THE PEOPLE'S ASSEMBLY

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HAS LEGALIZED A POLITICAL PARTY SYSTEM FOR THE FIRST TIME SINCE THE REVOLUTION IN 1952. ANY 20 MEMBERS OF THE 360 MEMBER PARLIAMENT MAY NOW FORM A LEGAL PARTY IF THEY CAN DEMONSTRATE THAT THEIR PLATFORM IS DISTINGUISHABLE FROM THE THREE EXISTING PARTIES BUT YET FALLS WITHIN THE BROAD CONSTITUTIONAL DESCRIPTION OF THE STATE AS DEMOCRATIC AND SOCIALIST. A BILL NOW BEFORE THE PARLIAMENT WILL ALLOW EACH PARTY TO PUBLISH ITS OWN NEWSPAPER.

AS A RESULT OF THE HOTLY DISPUTED PARLIAMENTARY ELECTIONS IN NOVEMBER 1976, EGYPTIAN ASSEMBLY MEMBERS REPRESENT A BROAD RANGE OF THE EGYPTIAN POLITICAL SPECTRUM FROM THE MARXIST LEFT TO THE RELIGIOUS RIGHT. ACCORDING TO LEGAL GUIDELINES, HOWEVER, NO POLITICAL ORGANIZATION MAY BE ESTABLISHED ON RELIGIOUS LINES, A REGULATION DESIGNED TO PROTECT THE CHRISTIAN MINORITY AND THE MUSLIM MAJORITY AGAINST EXTREME MUSLIM SENTIMENT. PRESIDENT SADAT HAS SPOKEN REPEATEDLY ABOUT THE DANGER TO THE REPUBLIC INHERENT IN THE PHILOSOPHY OF THE EGYPTIAN MARXISTS BUT, AT THE SAME TIME, HE HAS REITERATED THAT EVERY CITIZEN MUST HAVE THE RIGHT TO PARTICIPATE IN THE POLITICAL PROCESS. EGYPT IS A NON-RACIAL SOCIETY. BY CONSTITUTION IT IS AN ISLAMIC STATE WHICH GUARANTEES FREEDOM OF RELIGIOUS EXPRESSION.

A LARGE COPTIC MINORITY PARTICIPATES FULLY IN THE NORMAL LIFE OF THE COUNTRY. THERE HAVE OCCASIONALLY BEEN ALLEGATIONS FROM OUTSIDE GYPT THAT THE SADAT GOVERNMENT DISCRIMINATES AGAINST ITS COPTIC CITIZENS. THERE IS, HOWEVER, NO AVAILABLE EVIDENCE OF OFFICIALLY INSPIRED ACTS OF RELIGIOUS DISCRIMINATION.

COPTIC CHRISTIANS HOLD LEADING POSITIONS IN THE CIVIL SERVICE, PRESS ESTABLISHMENT, POLICE, MILITARY, THE ACADEMIC COMMUNITY AND IN BUSINESS. PRESIDENT SADAT AND SENIOR MINISTERS HAVE OBSERVED PUBLICLY THAT COMMUNAL STRIFE ON THE LEBANESE MODEL CAN NEVER OCCUR IN A COUNTRY WHERE CHRISTIANS AND MUSLIMS

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ACTION NEA-10

INFO OCT-01 ISO-00 SS-15 ONY-00 NEAE-00 /026 W
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P 221615Z JUN 77

FM AMEMBASSY CAIRO

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HAVE LIVED PEACEFULLY TOGETHER FOR 1200 YEARS. TO UNDERSCORE HIS DETERMINATION THAT INTOLERANT MUSLIM EXTREMISM SHALL NOT BE ALLOWED TO REEMERGE (NASSER BANNED THE FANATIC MUSLIM BROTHERHOOD IN THE 1950'S), THE PRESIDENT IN FEBRUARY 1977 INVITED SENIOR MUSLIM AND CHRISTIAN LEADERS TO MEET WITH HIM FOR A TELEVISED DISCUSSION ON THE IMPROVEMENT OF RELIGIOUS EDUCATION. NEVERTHELESS, INDIVIDUALLY INSPIRED ACTS OF DISCRIMINATION DO OCCUR FROM TIME TO TIME, AND LICENSES TO BUILD NEW CHURCHES ARE SOMETIMES DIFFICULT TO OBTAIN.

THE PRESS IN EGYPT IS OWNED BY THE ARAB SOCIALIST UNION, A MASS ORGANIZATION UNDER THE CONTROL OF THE GOE. ALL PUBLICATIONS ARE SUBSIDIZED BY THE ASU AND EDITORS ARE EXPECTED TO EXERCISE SELF-CENSORSHIP. ALTHOUGH PRESIDENT SADAT INSISTS THAT THE NEW PRESS LAW (NOW IN DRAFT) MUST ENSURE THE PRESS BE PROTECTED AS THE "FOURTH ESTATE", LEFTISTS JOURNALISTS WHO OPPOSE GOE INTERNAL AND FOREIGN POLICIES RARELY SEE THEIR ARTICLES IN PRINT. HOWEVER, ONE LEFTIST POLITICAL ANALYST, WHO CONTENTS THAT HE WAS ILLEGALLY REMOVED FROM HIS POSITION AS EDITOR OF A LEADING INTELLECTUAL PUBLICATION, IS PRESENTLY CHALLENGING THE ACTION TAKEN AGAINST HIM IN THE COURTS.

THE JUDICIARY WAS EMASCULATED BY NASSER IN 1969. UNDER SADAT'S LEADERSHIP THE JUDGES WHO FLED OR WENT INTO EXILE AT THAT TIME HAVE RETURNED TO THE COURTS AND THE LEGAL SYSTEM HAS ACCORDINGLY GAINED IN PRESTIGE AND CREDIBILITY. WRONGS OF THE NASSER PERIOD ARE BEING REDRESSED IN THE CIVILIAN COURTS--
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SEQUESTERED PROPERTIES RETURNED, COMPENSATION AWARDED FOR NATIONALIZATION, FINES AND JAIL SENTENCES LEVIED ON POLICE AND MILITARY AUTHORITIES WHO ORDERED TORTURE AND ILLEGAL DETENTION. A US-EGYPTIAN AGREEMENT WENT INTO FORCE ON OCTOBER 27, 1976 UNDER WHICH EGYPT AGREED TO PAY \$10 MILLION TO PRIVATE AMERICAN CITIZENS AND COMPANIES WHOSE PROPERTY HAD BEEN TAKEN WITHOUT COMPENSATION.

EGYPTIANS ARE FREE TO TRAVEL ANYWHERE IN EGYPT AND ARE FREE TO EMIGRATE AND TRAVEL ABROAD EXCEPT TO ISRAEL, WITH WHICH EGYPT IS IN A STATE OF WAR.

EGYPT HAS UNIVERSAL SUFFRAGE. THE PARLIAMENTARY CAMPAIGN UNDER SADAT WAS FREE AND HOTLY CONTESTED. ACCORDING TO THE CONSTITUTION, THE PRESIDENT IS ELECTED IN THE PARLIAMENT, AND THE ASSEMBLY'S CHOICE IS SUBMITTED TO THE PEOPLE FOR A YES-NO REFERENDUM. IN JULY 1976 THE FREEST TRADE UNION ELECTIONS EVER HELD IN EGYPT TOOK PLACE WHICH RESULTED IN A MAJOR CHANGE IN UNION LEADERSHIP. WORKERS DO NOT, HOWEVER, ENJOY THE RIGHT TO STRIKE.

THE SOLE TANGIBLE SETBACK TO THE GRADUAL POLITICAL LIBERALIZATION UNDER SADAT HAS BEEN HIS DECISION, TAKEN IN WAKE OF THE JANUARY RIOTS, TO LIMIT THE RIGHT OF ASSEMBLY AND LAY DOWN SEVERE PENALTIES FOR THOSE WHO STRIKE OR DEMONSTRATE AGAINST THE NATIONAL INTEREST. THSE NEW SEVERE PENALTIES HAVE NOT SO FAR BEEN APPLIED TO THOSE INDICTED FOR PARTICIPATION IN THE RIOTS, ALTHOUGH THE TRIAL OF 176 SUSPECTED COMMUNISTS ACCUSED OF INCITEMENT IS NOT YET CONCLUDED. AS IN THE PAST, A LICENSE MAY BE OBTAINED FOR THE PURPOSE OF PEACEFUL DEMONSTRATIONS.

3) RECENT TRENDS IN GOVERNMENT POLICIES RELATING TO THE
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FULFILLMENT OF BASIC NEEDS FOR FOOD, HEALTH CARE AND EDUCATION. THE EGYPTIAN GOVERNMENT'S POLICIES AND PROGRAMS REFLECT A POSITIVE CONCERN WITH HUMAN NEEDS. DELIVERY OF SUCH BASIC SERVICES AS HEALTH CARE, EDUCATION AND SOCIAL WELFARE EXTEND OUT

FROM URBAN AREAS TO REMOTE VILLAGES AND IN RELATION TO EGYPT'S STATE OF DEVELOPMENT COMPARE FAVORABLY WITH MOST OTHER DEVELOPING COUNTRIES. INCREASINGLY SINCE THE 1973 WAR THE EGYPTIAN GOVERNMENT HAS BEEN CONCERNED WITH THE QUALITY OF LIFE OF ITS POOR AND LOWER MIDDLE CLASS AND HAS ATTEMPTED TO STEP UP ITS PROGRAMS. THE "ECONOMIC OPEN DOOR" POLICY ANNOUNCED IN 1974 HAS WORKED IN ITS INITIAL STAGES TO THE PROFIT OF A SMALL ELITE OF TRADERS, WHOSE CONSPICUOUS CONSUMPTION (AFTER YEARS OF WEALTH CONCEALMENT UNDER THE NATIONALIZATION-MINDED NASSER) HAS EXACERBATED SOCIAL CLASS RELATIONSHIPS. SUCH WAS NOT, HOWEVER, THE INTENT OF THE ENABLING LEGISLATION, WHICH HAS RECENTLY BEEN REVISED TO ELIMINATE TAX EVASION AND OTHER ABUSES.

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ACTION NEA-10

INFO OCT-01 ISO-00 SS-15 ONY-00 NEAE-00 /026 W
-----044523 221758Z /40
P 221615Z JUN 77
FM AMEMBASSY CAIRO
TO SECSTATE WASHDC PRIORITY 6486

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RESPONDING TO THE APPEALS OF THE MILLIONS OF POOR AND LOWER MIDDLE CLASS EGYPTIANS, WHOSE LIVING STANDARDS ARE DECLINING, SADAT HAS EMPHASIZED THAT FOOD AND HOUSING ARE THE TWO HIGHEST PRIORITIES OF HIS ADMINISTRATION. THE EGYPTIAN GOVERNMENT HEAVILY SUBSIDIZES BASIC FOODS AND OTHER COMMODITIES. THESE AND OTHER HEAVY GOVERNMENT EXPENDITURES IN THE AREAS OF DEFENCE AND SOCIAL SERVICES LED THE IMF, THE U.S. AND OTHER DONORS TO URGE THE GOVERNMENT TO REDUCE ITS SUBSIDIES. THE GOVERNMENT ATTEMPTED TO DO THIS AND THE END RESULT WAS THE JANUARY RIOTS, AN EXPLOSION OF MISERY BY URBAN PROLETARIAT ALREADY SORELY TRIED ECONOMICALLY BY NEARLY 30 YEARS OF LIVING ON A WAR FOOTING.

WHILE THERE REMAINS MUCH ROOM FOR IMPROVEMENT OF BASIC SERVICES, GIVEN THE LEVEL OF ITS POVERTY AND BALANCE OF PAYMENTS SITUATION, EGYPT WILL BE DEPENDENT UPON FOREIGN DONORS FOR THE FORESEEABLE FUTURE TO PROVIDE THESE SERVICES. IN THIS CONTEXT OUR AID PROGRAM IS AN IMPORTANT TOOL. TO THE EXTENT THAT THIS ASSISTANCE IS VISIBLE TO THE POPULATION AND SATISFIES URGENT

NEEDS THE AID NOT ONLY STRENGTHENS THE SADAT REGIME INDIRECTLY THROUGH IMPROVED ECONOMIC CONDITIONS BUT ALSO DIRECTLY BY DEMONSTRATING THE VALUE OF U.S. FRIENDSHIP. IN THE SHORT RUN THE AID PROGRAM IS DESIGNED TO BUOY UP THE ECONOMY, BUILD UP BASIC INFRASTRUCTURE AND LAY THE BASE FOR ECONOMIC GROWTH. IN THE LONGER TERM THE PROGRAM SHOULD, IN CONCERT WITH OTHER DONORS, ENABLE THE GOVERNMENT TO ACHIEVE ECONOMIC AND POLITICAL STABILITY. AS THIS IS REALIZED OUR
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ASSISTANCE SHOULD INCREASINGLY ADDRESS QUESTIONS OF EQUITY AND BASIC NEEDS OF THE POOR MAJORITY. OUR FOOD ASSISTANCE, POPULATION, HEALTH, AGRICULTURE AND OTHER RELATED EFFORTS ARE STEPS IN THIS DIRECTION.

IN THIS ORIENTAL SOCIETY, CORRUPTION--EG.G. CONFLICT OF INTEREST--IS AS ENDEMIC AS IN SIMILAR SOCIETIES. WE DO NOT BELIEVE, HOWEVER, THAT IT IS SO WIDESPREAD AS TO DIVERT SIGNIFICANT RESOURCES AWAY FROM NON-ELITE CLASSES.

4) GOE'S RESPONSIBILITY. PRESIDENT SADAT IS PERSONALLY RESPONSIBLE FOR DISSIPATING THE REPRESSIVE NASSERIST LEGACY BY ESTABLISHING INSTITUTIONAL STRUCTURES TO PROTECT NEW DEMOCRATIC, HUMANITARIAN PRACTICES AND INSISTING THAT PUBLIC OFFICIALS FOLLOW THE RULES. THE RIGHT OF EVERY EGYPTIAN TO FULL PROTECTION UNDER THE LAW AND A DTERMINATION TO CONVERT NASSER'S "SOCIALISM" INTO A HUMAN-ORIENTED "DEMOCRATIC SOCIALISM" ARE THE TWO LEIT MOTIFS OF PRESIDENT SADAT'S PUBLIC SPEECHES AND CABINET DIRECTIVES. THE PRESIDENT, HOWEVER, IS A GRADUALIST. HE HAS IDENTIFIED TWO KEY FACTORS WHICH HAVE INHIBITED THE PACE OF POLITICAL REFORM: (A) NATIONAL SECURITY CONSIDERATIONS ARISING FROM STATE OF WAR WITH ISRAEL, AND (B) CONCERN THAT THE SUDDEN INTRODUCTION OF AN UNTRAMMELLED POLITICAL PARTY SYSTEM WOULD HINDER ECONOMIC AND POLITICAL PROGRESS BY SPAWNING AN EXPLOSION OF WARRING SPLINTER PARTIES. THESE FACTORS ARE UNDERSTANDABLE AND ACCEPTED BY MOST EGYPTIANS.

EGYPT UNDER SADAT CAN BE EXPECTED TO SUPPORT USG HUMAN RIGHTS INITIATIVES EXCEPT WHEN ISRAEL IS IN ANY WAY INVOLVED. EGYPTIANS BELIEVE ISRAEL IS A FLAGRANT VIOLATOR OF THE HUMAN RIGHTS OF ITS ARAB CITIZENS AND THOSE ARABS LIVING UNDER OCCUPATION, AND THE GOE WILL USE EVERY AVAILABLE FORUM TO UNDER-
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SCORE THIS CONVICTION. LIKEWISE, THE GOE DOES NOT SUPPORT FREE

EMIGRATION BECAUSE IT BELIEVES IMMIGRATION OF JEWS TO ISRAEL FROM THE SOVIET UNION AND ELSEWHERE ENCOURAGES ISRAELI SETTLEMENTS IN OCCUPIED ARAB TERRITORIES.

5) OUTSIDE INVESTIGATIONS. THE ONLY RECENT INDEPENDENT INVESTIGATION OF WHICH WE ARE AWARE WAS A VISIT BY REPRESENTATIVES OF AMNESTY INTERNATIONAL IN MAY 1977 DURING WHICH SOME PRISONERS WERE INTERVIEWED AND EXTENSIVE TALKS HELD WITH GOE OFFICIALS. AI IS APPARENTLY CONSIDERING ESTABLISHING A REGIONAL OFFICE IN CAIRO. AI'S LAST REPORT ALLEGED EXISTENCE OF "POLITICAL PRISONERS" IN EGYPT, BUT ONLY SPECIFIC IDENTIFICATION WAS OF EGYPTIAN NATIONALS TRIED AND CONVICTED OF SPYING FOR ISRAEL FOR WHOM AI REQUESTED CLEMENCY. PRESIDENT SADAT STATES PROUDLY THAT HE HAS ENDED ILLEGAL DETENTION AND CLOSED ALL PRISON CAMPS. WE HAVE NO EVIDENCE TO DISPROVE THAT STATEMENT.

B. ANALYSIS AND RECOMMENDATIONS.

LEGITIMATE OBJECTIVES: PARA 7 IN EGY'S DRAFT. REACTIONS OF EGYPTIANS AWARE OF THE NEW USG HUMAN RIGHTS EMPHASIS ARE UNIFORMLY POSITIVE AND ENCOURAGING. MANY VOICE HOPE THAT USG WILL TAKE NEW LOOK AT ARAB LIFE UNDER ISRAELI OCCUPATION IN THIS CONTEXT, SOME WILL JUDGE GENUINENESS OF OUR POLICY SOLELY IN THIS LIGHT.

PARA 9, 10A. IN EGY'S DRAFT. REVISE PARA 10B OF THAT DRAFT QUOTE THE EGYPTIANS ARE LIKELY TO BE SUPPORTIVE OF HUMAN RIGHTS ACTIONS WE TAKE IN INTERNATIONAL ORGANIZATIONS. HOWEVER, BECAUSE OF THE ARAB-ISRAELI PRISM THROUGH WHICH THEY LOOK AT HUMAN RIGHTS QUESTIONS, THE EGYPTIANS ARE QUITE LIKELY...ETC. UNQUOTE. EILTS

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Message Attributes

Automatic Decaptioning: Z
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: HUMAN RIGHTS, REPORTS
Control Number: n/a
Copy: SINGLE
Sent Date: 22-Jun-1977 12:00:00 am
Decaption Date: 22 May 2009
Decaption Note: 25 YEAR REVIEW
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1977CAIRO10463
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Expiration:
Film Number: D770223-0300
Format: TEL
From: CAIRO
Handling Restrictions:
Image Path:
ISecure: 1
Legacy Key: link1977/newtext/t19770632/aaaabbrx.tel
Line Count: 363
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: f790e378-c288-dd11-92da-001cc4696bcc
Office: ACTION NEA
Original Classification: CONFIDENTIAL
Original Handling Restrictions: ONLY
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 7
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: ONLY
Reference: 77 STATE 133681, 77 STATE 138761, 77 STATE 134334
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 03-Feb-2005 12:00:00 am
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 2074620
Secure: OPEN
Status: NATIVE
Subject: HUMAN RIGHTS EVALUATION PLAN--EGYPT
TAGS: SHUM, EG
To: STATE
Type: TE
vdkgvwkey: odhc://SAS/SAS.dbo.SAS_Docs/f790e378-c288-dd11-92da-001cc4696bcc
Review Markings:
Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
22 May 2009
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009